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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/705,305	11/10/2003	Mariana Benitez Pelaez	LUTZ 2 00255	4402
7590	09/16/2005		EXAMINER	
Richard J. Minnich, Esq. Fay, Sharpe, Fagan, Minnich & McKee, LLP Seventh Floor 1100 Superior Avenue Cleveland, OH 44114			DAGOSTA, STEPHEN M	
			ART UNIT	PAPER NUMBER
			2683	
DATE MAILED: 09/16/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/705,305	PELAEZ ET AL.
	Examiner	Art Unit
	Stephen M. D'Agosta	2683

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on ____.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-20 is/are pending in the application.
 - 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) Claim(s) ____ is/are allowed.
- 6) Claim(s) 1-6,8-13 and 15-19 is/are rejected.
- 7) Claim(s) 7,14 and 20 is/are objected to.
- 8) Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 10 November 2003 is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. ____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. ____.
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date ____.	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: ____.

DETAILED ACTION

Drawings

Figure 1 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated – it appears from the applicant's statement (spec. page 4, para. #10) that this figure only discloses a "known" network that supports the claims and is not a novel network as described by the claims. If so, then this figure should be labeled as prior art. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-4, 8-11 and 15-18 rejected under 35 U.S.C. 102(e) as being anticipated by Graefen US 2004/0082317.

As per **claims 1, 8 and 15**, Graefen teaches a multimedia telecommunications network having facilities for providing a voicemail and multimedia mail service to a subscriber (figure 3 shows network and P38 teaches voicemail while P#30 teaches

multimedia messaging), a method of sending a personalized outgoing voicemail or multimedia mail message to a caller (P#10-12), the method comprising:

storing the subscriber's personalized outgoing voicemail and multimedia mail messages at a first network element (P#23 teaches storing profile and voicemail/multimedia messages at mobile or at network);

receiving a call having a unique caller ID for the subscriber at a second network element AND determining at the second network element whether the subscriber has activated (P#32) the service and whether the subscriber is unavailable to take the call (P#26 teaches determining caller's ID and responding appropriately. Also see P#27);

where the service has been activated by the subscriber and the subscriber is unavailable to take the call, forwarding the call to the first network element (P#26-27 teaches responding, if activated, with a special message, eg. "I'm in a meeting", when unavailable)

analyzing at the first network element the caller ID of the call to determine which of the stored outgoing messages is an appropriate outgoing message for the caller (P#26 teaches determining which message to send based on caller ID) ; and

playing the appropriate outgoing message to the caller (P#26-27 teaches sending an appropriate message to the caller, also see figure 1, #114/#116 and figure 7, #702, #704, #708, #710, #712).

As per **claims 2, 9 and 16**, Graefen teaches claim 1/8/15, wherein the network includes an IP multimedia subsystem (figures 3-5 show connections to the Internet which inherently requires support for the IP Protocol. Also see P#34 and #39 which details connections to the Internet).

As per **claims 3, 10 and 17**, Graefen teaches claim 2/9/16, wherein the first network element comprises a voicemail/multimedia mail server (P#8, #31 and #38 discuss interaction with a voice mail system/server. Since Graefen discloses support for multimedia, the primary examiner interprets that Graefen's design inherently use a multimedia server).

As per **claims 4, 11 and 18**, Graefen teaches claim 3/10/17, wherein the second network element comprises a call session control function (Figures 3-5 disclose cellular and terrestrial networks connected to various other systems/functions such as the Internet. The cellular and terrestrial networks inherently comprise support for controlling a call session(s) as supported by the MSC, BSC and BTS's – see P#33).

The primary examiner takes Official Notice that MSC, BSC and BTS's provide control of call sessions.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 5, 12 and 19 rejected under 35 U.S.C. 103(a) as being unpatentable over Graefen and further in view of Weiland et al. US 6,522,876.

As per **claims 5, 12 and 19**, Graefen teaches claim 1/11/15, **but is silent on** wherein the service is activated by entering a feature activation code.

The primary examiner notes that (figure 6 shows a mobile phone with user input #622 and profile configuration logic #612 connected to profiles #608/#610. Graefen discloses the user activating/selecting different profiles. Also see P#30 and P#32).

With further regard to claim 19, Graefen teaches wherein the service is activated by using the Internet (P#34 discloses sending/receiving SMS messages to/from the Internet, hence a PC user would use an Internet-connected PC to activate the service).

Weiland specifically discloses a user activating/deactivating a function by using feature codes:

"...When a subscriber (e.g., person or machine) sends a feature code string to a serving system, the serving system itself may respond to the feature code by employing logic to activate, deactivate or modify a service feature for the subscriber...". (C5, L26-67).

"...As still another example, the designated action may be sending a message to another entity, which causes the other entity to change the service logic for the subscriber or for another subscriber.....For instance, a profile management code that is custom-defined for a particular subscriber might mean to a central control point that the central control point should generate and send to another central control point a standard feature code to carry out some predefined function. For example, although the standard feature code for activating voice mail in a given wireless network might be "*35", a central control point could be programmed specifically for a given subscriber to treat the code "22" from that subscriber as a request to activate the subscriber's voice mail. Upon receipt of that customized code from the subscriber, the central control point might then generate and send the standard feature code "*35" to the subscriber's HLR, instructing the HLR to activate the subscriber's voice mail. In this way, the subscriber could use the custom-defined string "22" to activate voice mail, without having to remember the standard feature code "*35". Of course, other examples are possible as well...." (C8, L21-53).

It would have been obvious to one skilled in the art at the time of the invention to modify Graefen, such that the service is activated by entering a feature activation code, to support well known phone control means whereby the user can change features on their phone via feature activation code(s).

Claims 6 and 13 rejected under 35 U.S.C. 103(a) as being unpatentable over Graefen and further in view of Begeja et al. US 6,571,094.

As per **claims 6, and 13**, Graefen teaches claim 1/11, **but is silent on** wherein the service is activated by using the Internet.

Grafen does teach (P#34) sending/receiving SMS messages to/from the Internet, hence a PC user would use an Internet-connected PC to activate the service.

Further to this point, Begeja teaches "A subscriber to a remote call forwarding feature on a wire-line telephone line associated with a PBX (101) or central office (402), hereinafter, a "user", can enable that feature by entering a feature code from an IP terminal (112, 412). The user enters a feature code from his/her IP terminal (112, 412), which feature code is received by a remote server (for example, server 110) having access to an IP user directory (113, 413), hereinafter, for example, an active user registry (AUR) database, and forwards necessary information for invoking the feature in a determined manner to a Service Control Point (SCP) (106, 406). The SCP recognizes the feature code as a request to invoke the remote call forwarding feature on the user's wire-line telephone so that calls directed to that wire-line telephone are forwarded to, for example, the user's cellular phone. Receipt of that feature code by the SCP, identifies the cellular phone's Electronic Serial Number (ESN) from a provided cellular phone number or Mobile Identification Number (MIN) and identifies the user and the feature to be invoked for that user..." (Abstract, figures 1-4 and C3, L22 to C4, L15).

It would have been obvious to one skilled in the art at the time of the invention to modify Graefen, such that the service is activated by using the Internet, to provide means for the user to modify their phone's features if/when the phone is not nearby or in their possession.

Allowable Subject Matter

Claims 7, 14 and 20 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The prior art of record does not disclose or fairly suggest "...wherein each of the subscriber's personalized outgoing voicemail and multimedia mail messages includes at least three fields, the fields comprising a message field, an associated caller ID field, and a feature activation status field..."

The primary examiner interprets this to mean that each of the subscriber's personalized outgoing voicemail and multimedia mail messages **to the Caller** includes at least three fields, the fields comprising a message field, an associated caller ID field, and a feature activation status field **whereby said Caller can see/hear these three fields in the received message.**

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

1. Rautila et al. US 6,631,183
2. Takeda et al. US 6,928,152
3. Muller US 6,295,341
4. Higuchi et al. US 6,275,690
5. Swan et al. US 6,226,379
6. Buhrmann et al. US 5,933,778

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen M. D'Agosta whose telephone number is 571-272-7862. The examiner can normally be reached on M-F, 8am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bill Trost can be reached on 571-272-7872. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Stephen D'Agosta
Primary Examiner
8-15-2005

A handwritten signature in black ink, appearing to read "pd" or "p.d.", is positioned below the typed name and title.